

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

**VISION BANK,
Plaintiff,**

vs.

**ALAN J. SWINDALL,

Defendant.**

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CIVIL ACTION 09-442-CG-M

ORDER

After due and proper consideration of all pleadings in this file, and a de novo determination of those portions of the Recommendation to which objection is made, the Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is adopted as the opinion of this court.

It is **ORDERED** that Defendant's Motion to Dismiss or, in the Alternative, Motion for Change of Venue (Doc. 6) be **DENIED**.

DONE this 10th day of November, 2009.

/s/ Callie V. S. Granade
CHIEF UNITED STATES DISTRICT JUDGE